

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 3754**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Daniel CROSNIER et al.

Group Art Unit: 3754

Application No.: 10/733,256

Examiner: F. NICOLAS

Filed: December 12, 2003

Docket No.: 118010

For: PUMP AND A RECEPTACLE FITTED THEREWITH

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 11, 2008 Office Action, and in consideration of the April 3, 2008 brief telephone interview with the Examiner, reconsideration of the application is respectfully requested in light of the following remarks.

Claim 1-32 are pending in this application. The Office Action, in paragraph 3, states that claims 1-29, 31 and 32 are allowed. Applicants appreciate the allowance of these claims.

Applicant's appreciate the courtesies shown to Applicants' representative by Examiner Nicolas in the April 3 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, in paragraph 2, rejects claim 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,823,991 to Skorka. This rejection is respectfully traversed.

Skorka teaches an apparatus with a separate pump piston defining two separate chambers of two pumps (col. 1, lines 55-57). The two pump chambers 22, 23 are shown, for example, in Fig. 3 of Skorka.

Claim 30 recites, among other features, a moving assembly moveable relative to the pump body and co-operating therewith to form only a single pump chamber of variable volume. Skorka neither teaches, nor would it have suggested, only single pump chamber, as positively recited, among other features, in claim 30.

In response to Applicants previously having made the above argument, the Office Action notes that there is a single pump chamber in Skorka as "it is all one structure." Based on this assertion, Applicants' representative contacted Examiner Nicolas on April 3, 2008, to discuss this feature in a brief telephone interview. With specific reference to the figures of Skorka, Applicants' representative noted that Skorka specifically teaches two separate pump chambers 22, 23. The disclosure of Skorka, at col. 4, lines 49-62, discusses two pumps in which "[f]or pump 15, cylinder casing 3 forms a cylinder 18, and a cylinder 19 for pump 16 is disposed directly adjacent. Cylinder 18 forms a piston path 20 for pump piston 7, and cylinder 19 forms a piston path 21 for pump piston 8." Applicants' representative pointed out to the Examiner that the disclosure of Skorka goes on to discuss that "[w]ith the associated pump piston 7, cylinder 18 defines a pump chamber 22, and cylinder 19 defines pump chamber 23 with two pump pistons 7, 8 sealing against their respective cylinders during the pump stroke. Based on these positive disclosures in Skorka, it is unreasonable to assert that, simply because Skorka "is all one structure," it can reasonably be considered to teach, or to have suggested, a feature of "only a single pump chamber."

Examiner Nicolas indicated that he was unwilling to indicate that claim 30 was allowable during the brief telephone interview without further consideration. The Examiner indicated that he would take Applicants' arguments under further consideration upon the

filing of a formal response. It should be noted that Applicants' representative made precisely these arguments to Examiner Kaufman, previously assigned to this application, and amended the claims, as suggested by Examiner Kaufman, to their current form in order to gain allowance of claim 30. Examiner Nicolas indicated that Applicants should file a formal response including the above arguments.

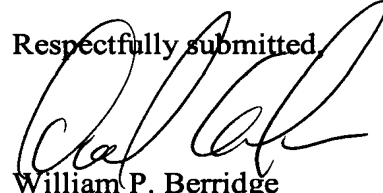
Based on the foregoing, Skorka cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in independent claim 30.

Accordingly, reconsideration and withdrawal of the rejection of claim 30 under 35 U.S.C. §102(b) as being anticipated by Skorka are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 30, in addition to the allowance of claims 1-29, 31 and 32, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Daniel A. Tanner, III
Registration No. 54,734

WPB:DAT/cfr

Date: April 11, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
